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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/750,772	01/02/2001	Stephan Meyers	017.38896X00	8646

20457 7590 02/21/2003

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ARLINGTON, VA 22209

EXAMINER

ELISCA, PIERRE E

ART UNIT	PAPER NUMBER
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3621

DATE MAILED: 02/21/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

09/750,772

Applicant(s)

Stephan Meyers et al.

Examiner

Pierre E. Elisca

Art Unit

3621

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE THREE MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136 (a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 12/17/2002
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-42 is/are pending in the application.
- 4a) Of the above, claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-42 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claims \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.  
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All b) ☐ Some\* c) ☐ None of:  
1. ☐ Certified copies of the priority documents have been received.  
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).  
\*See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).  
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s). \_\_\_\_\_ 6) ☐ Other:

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**DETAILED ACTION**  
**RESPONSE TO AMENDMENT**

1. This Office action is in response to Applicant's amendment, filed 12/17/2002.
2. Claims 1-42 are pending.

***Claim Rejections - 35 USC § 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 1-42 are rejected under 35 U.S.C. 103 (a) as being unpatentable over Cerf et al. (U.S. Pat. No. 6,418,138) in view of Ogasawara (U.S. pat. No. 6,513,015).

**As per claims 1, 3-6, 8-12, 15-28, 30-34 and 36-42 Cerf** discloses a novel communication system/method that includes mobile units distributed within a wireless communication network which are connected to a packet switched network (a method for public wireless network access), the method comprising the steps of:

detecting the presence of a local Area Network (LAN) with at least one mobile device at a location (see., abstract, col 2, lines 35-45, col 4, lines 51-67, col 5, lines 45-56);

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requesting identification information from each at least one mobile device through a node of the LAN (see., abstract, , col 3, lines 12-34, the gateway or proxy server is capable of identifying information); sending user information from each at least one mobile device to the node, the user information including identification and demographic information about a user of each at least one mobile device (see., abstract, col 2, lines 35-45, col 4, lines 51-67);

receiving access to the LAN with the at least one mobile device (see., abstract, col 4, lines 51-67); accessing a global communication data network through a gateway of the LAN with the at least one mobile device (see., abstract, col 3, lines 11-27);

sending the demographic information about the users of the at least one mobile devices at the location to an advertising server (see., abstract, col 3, lines 37-59, col 5, lines 45-56);

receiving commercial messages through the gateway from the advertising server, the commercial messages being selected based on the demographic information of the users (see., abstract, col 3, lines 11-27); and

sending the commercial messages to a display at the location for viewing by the users (see., abstract, col 1, lines 12-65, col 3, lines 37-59).

It is to be noted that Cerf fails to explicitly disclose the step of receiving the demographic information about the user of at least one mobile device. However, Ogasawara discloses an electronic shopping that provides for customer recognition using wireless identification. A customer ID card is further useful in assisting each customer in making purchase transactions. The customer ID card is used in connection with a customer assistance which is able to develop and display various personalized

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assistance recommendations based on an analysis of demographic and mobile terminals (see., abstract wherein said customer's demographic profile, col 3, lines 50-67, col 4, lines 1-33, col 5, lines 17-37). Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to modify the radio communication system of Cerf by including the limitation detailed above as taught by Ogasawara because such modification would provide the benefit of determining that a particular customer has made any purchases of items based upon the customer ID.

**As per claims 2, 7, 13, 14, 29 and 35 Cerf** discloses the claimed method, wherein the advertising server is managed by an advertising service (see., col 3, lines 37-59, col 5, lines 45-56).

#### **RESPONSE TO ARGUMENTS**

**5.** Applicant's arguments filed on 12/17/2002 have been fully considered but they are moot in view of new ground of rejection.

#### **CONCLUSION**

**6. THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136 (a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing data of this action. In the event a first reply is filed within two months of the mailing data of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory

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action is mailed, and any extension fee pursuant to 37 CFR 1.136 (a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

7. Any inquiry concerning this communication from the examiner should be directed to Pierre Eddy Elisca at (703) 305-3987. The examiner can normally be reached on Tuesday to Friday from 6:30AM to 5:00PM.

If any attempt to reach the examiner by telephone is unsuccessful, the examiner's supervisor, James Trammell can be reached on (703) 305-9768.

**Any response to this action should be mailed to:**

Commissioner of Patents of Trademarks

Washington, D.C. 20231

**or faxed to:**

(703) 308-9051, (for formal communications intended for entry)

**OR**

(703) 305-9724, (for informal or draft communications, please label "PROPOSED" or "DRAFT")

Hand-delivered responses should be brought to Crystal Park II, 2121 Crystal Drive, Arlington, VA., Sixth floor (receptionist).

The Official Fax Number For TC-3600 is:

**(703) 305-7687**

**Application/Control Number: 09/750,772**

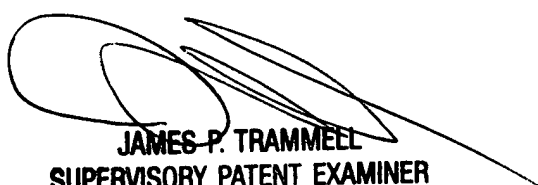
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Pierre Eddy Elisca

Patent Examiner

**February 12, 2003**

  
JAMES P. TRAMMELL  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 3600